

Exhibit A

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1 UNITED STATES DISTRICT COURT
2 DISTRICT OF ARIZONA

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4 In Re Bard IVC Filters \$ No. MD-15-02641-PHX-DGC
5 Products Liability Litigation \$
6 -----\$

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8 - - -
9 Thursday, June 15, 2017

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12 ** DO NOT DISCLOSE **

13 ** SUBJECT TO FURTHER CONFIDENTIALITY REVIEW **

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16
17 Videotaped deposition of BRANDON KANG, M.D.,
18 held at Mahaffey, Pickens & Tucker, 1550 North
19 Brown Road, Suite 125, Lawrenceville, Georgia,
20 commencing at 10:09 a.m., on the above date,
21 before Susan D. Wasilewski, Registered
22 Professional Reporter, Certified Realtime
23 Reporter, Certified Realtime Captioner, Certified
24 Manager of Reporting Services, Florida
25 Professional Reporter, Certified Court Reporter
(NJ), and Realtime Systems Administrator

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27
28 GOLKOW LITIGATION SERVICES
29 877.370.3377 ph | 917.591.5672 fax
30 deps@golkow.com

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1 did.

2 A. So after that filter was removed, I got
3 access into the right groin with a smaller sheath, a
4 six French sheath, and then we -- I took another
5 snare device, which is, again, like a little, in
6 simple terms, a little lasso, was able to grab one of
7 the embedded fragments that was in the inferior vena
8 cava and the one that was penetrating into the heart
9 and that was removed. And --

10 Q. Okay. Well, let me stop you there, if I may.

11 A. Okay.

12 Q. When you say the groin, you're talking about
13 the femoral vein?

14 A. Yes, the femoral vein.

15 Q. Which, of course, leads to the vena cava?

16 A. Correct.

17 Q. And you were able, through this maneuvering,
18 to lasso the fragment that had pierced the wall of the
19 vena cava and into the aorta?

20 A. Yes, I was.

21 Q. And grab it and remove it from Ms. Booker's
22 body?

23 A. Yes.

24 Q. And was this a -- was this a piece of metal
25 fragment from the filter?

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1 Q. So it's public?

2 A. I mean, it's an -- it's an open account, yes.

3 Q. It's publicly available?

4 A. Yes.

5 Q. Is that right? And your Facebook likewise is

6 public, you don't have it limited to your Facebook

7 friends, for example?

8 A. Okay.

9 Q. Is that right?

10 A. Yes.

11 Q. Because I was able to see your Facebook.

12 A. (Nodding head.)

13 Q. So interventional radiologists are using

14 social media to communicate with each other, but

15 you're also using it to communicate publicly; is that

16 right?

17 A. Yes.

18 Q. Okay. Let's go back to the April 7 Tweet

19 post. "Filters can save lives," we agree with that,

20 right?

21 A. Yes.

22 Q. Okay. And "but should be removed as soon as

23 the risk for PE" -- what is PE?

24 A. Pulmonary embolism.

25 Q. That's a blood clot, right?

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1 it a lasso and a snare?

2 A. Yes.

3 Q. And was it a lasso and a snare that you were
4 using to attempt to retrieve the second fragment?

5 A. Yes, same thing.

6 Q. Okay. And so you were trying to put the
7 lasso around it and tighten it and pull it out?

8 A. Correct.

9 Q. Like a cowboy with a lasso?

10 A. Yes.

11 Q. Around a horse -- a cow's neck?

12 A. Correct.

13 Q. Okay. And were you able to lasso the
14 remaining fragment, or were you ever able to get the
15 loop around it?

16 A. I was never able to get the loop around it to
17 grab.

18 Q. Okay. Was that remaining fragment that you
19 were not able to retrieve, was it endothelialized into
20 the wall of the IVC?

21 A. I don't know.

22 Q. Could that have been a reason why you
23 couldn't get it?

24 A. That's a possibility, yes.

25 Q. Okay. And that's what I'm calling the second

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1 Q. At any point after learning that there was an
2 issue with the tricuspid valve, did you have any
3 conversation with Ms. Booker?

4 A. Directly saying that -- no, I don't think so,
5 not specifically regards to that.

6 Q. Okay. You would agree with me that filters
7 are important in providing for patients who are
8 contraindicated for anticoagulants, would you?

9 A. Yes, I would agree.

10 Q. And you would agree with me that like all
11 medical devices, they come with risks?

12 A. Yes.

13 Q. And all medical devices have a small risk of
14 death associated with them under some kind of
15 situation?

16 A. Potentially, yes.

17 Q. I've got some follow-up questions on what
18 Mr. Roll asked you but I want to mark one more exhibit
19 and ask you about that, and this will be Exhibit 14.

20 (Kang Exhibit 14 was marked for
21 identification.)

22 BY MS. HELM:

23 Q. Dr. Kang, I've handed you what I've marked as
24 Exhibit 14, and is this another post or Tweet from
25 your Twitter account?

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1 referring to in this Tweet?

2 A. The person with the lasso or a snare in his
3 hand.

4 Q. Okay. And in this situation, where you
5 retrieved a filter in less than five minutes, you're
6 the cowboy with the lasso, correct?

7 A. I'm the interventional radiologist with a
8 snare.

9 Q. Okay. But your --

10 A. That's a metaphor.

11 Q. Okay. But your Tweet doesn't say
12 interventional radiologist with a snare. It says --

13 A. Well, it says interventional radiology, IRad.

14 Q. Dr. Kang, if you'll let me answer the
15 question -- ask the question, then you can answer it.
16 I'm trying not to interrupt you and ask the same
17 thing.

18 Your tweet says -- is your Tweet about a
19 procedure that you performed?

20 A. Yes.

21 Q. And is your Tweet about a procedure you
22 performed where you retrieved a filter in less than
23 five minutes?

24 A. Yes.

25 Q. Okay. So you're referring to yourself as the

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1 cowboy and his lasso and that was all you needed to
2 take out a filter, correct?

3 A. That's not really all that you need, but
4 that's what it says.

5 Q. In this instance that's what you needed?

6 A. (No response.)

7 Q. Okay. It says "all that's needed," right?
8 I'm just reading your words.

9 A. Yes, that's what it says.

10 Q. Mr. Roll asked you a number of questions
11 about the -- your use of implanting Bard filters and
12 whether you implanted Bard filters anymore or -- and
13 again, I understand you brought your experience to the
14 procedure when you attempted to retrieve Ms. Booker's
15 filter, but again, none of those questions relating to
16 your prior experience with implanting Bard filters had
17 anything to do with your care and treatment of
18 Ms. Booker, right, because you did not implant her
19 filter?

20 A. I did not implant her filter.

21 Q. When you turned Ms. Booker over to or
22 referred her -- is a better word -- to cardiology, did
23 you refer her to cardiology because she was having
24 chest pain or did you refer her to cardiology with a
25 recommendation that they do an open procedure to

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1 MR. ROLL: I've got a couple, yes. Do you
2 want to take a break?

3 MS. HELM: Why don't we take a break and it
4 might short-circuit things.

5 THE VIDEOGRAPHER: We're now off the video
6 record. The time is 1:31 p.m.

7 (Recess from 1:31 p.m. until 1:41 p.m.)

8 THE VIDEOGRAPHER: We're back on the video
9 record. The time is 11:41 a.m. -- 1:41 a.m. [sic]

10 REDIRECT EXAMINATION

11 BY MR. ROLL:

12 Q. Dr. Kang, I just have a few follow-up
13 questions for you.

14 First, Ms. Helm asked you -- I'm going to
15 give you back Exhibit 14. Exhibit 14 is a picture of
16 a filter that you had removed and it's got the
17 lighthearted Tweet coming in about cowboy, the cowboy
18 symbol, "and his lasso is all that's needed for a
19 simple #filterOUT in less than five minutes."

20 So that's -- but that's the exhibit, to be
21 clear, that I'm asking you about.

22 First of all, why did you use the word and
23 the -- sort of the funny icon of a cowboy in that
24 sentence?

25 A. I just thought it was kind of lighthearted

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1 humor, it's kind of a little funny thing that -- a
2 little twist of a filter removal.

3 Q. Did it have anything to do with your
4 associating the lasso that you used for the procedure?

5 A. Right. Yeah. The lasso being the snare and
6 me being the person using the lasso.

7 Q. Okay. Were there any -- did you consider
8 yourself a cowboy?

9 A. No. I'm definitely not a cowboy. I'm an
10 interventional radiologist.

11 Q. In looking through your Tweets, it seems to
12 me there is a certain amount of lightheadedness and
13 levity with regard to your Tweets.

14 MS. HELM: Object to the form.

15 Q. Would you state whether or not you inject
16 lightheadedness and levity into your social media?

17 A. Yes, I mean, something to get attention.
18 Like even recently I Tweeted about microwave
19 ablation, which is burning tumors in the kidney. I
20 referred it to an IR magic trip, because I burned the
21 kidney tumor and the tumor basically disappeared, so
22 I called it a magic trick. So I called myself a
23 magician that time, I guess, but I'm not a magician.
24 I'm an interventional radiologist. That's the
25 procedures.